

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 10

May 10, 2011

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON MAY 10, 2011

**SUBJECT:** RECLASSIFICATION OF LOW-RISK CATEGORICAL USE OF FORCE  
IN-CUSTODY DEATH INVESTIGATIONS TO DEATH INVESTIGATIONS

**EFFECTIVE:** IMMEDIATELY

**PURPOSE:** This Order allows for the reclassification of a Categorical Use of Force (CUOF) In-Custody Death (ICD) investigation to a less extensive death investigation. Many ICD cases involving Department personnel are extremely critical incidents and they require a thorough investigation by Force Investigation Division (FID) and meticulous adjudications by the Use of Force Review Board (UOFRB) and the Board of Police Commissioners (BOPC). In-custody deaths are defined as CUOFs in Section 3/794.10, *Force Investigation Division, Professional Standards Bureau*, of the Department Manual and necessitate the deployment of vast amounts of investigative resources. This is true even when the death is later determined to be unrelated to any force used by or to any action by a Department employee, is deemed an accident, or is the result of a natural cause.

**PROCEDURE:** Force Investigation Division shall immediately initiate a thorough CUOF ICD investigation in all cases where there is a death of any arrestee or detainee in the custodial care of the Department. The ICD investigation shall progress towards completion in the current manner, unless **all** of the following conditions exist:

- \* The Los Angeles County Coroner makes a preliminary determination that the death was caused by natural, accidental or undetermined means;
- \* The incident did not involve a use of force or evidence of foul play;
- \* There is no misconduct which would rise to the level of negligence or risk-management issues associated with the incident;
- \* The investigation reveals that there were no violations of Department policy and procedures which directly led to the death;
- \* The toxicology report supports the Coroner's determination; and,
- \* The investigation reveals no problematic evidence or seriously-conflicting witness statements regarding the incident.

When **all** of these aforementioned circumstances exist, the assigned FID investigator shall review the investigation with his/her section lieutenant and receive approval to close out the incident as a death report on the Death Investigation Report, Form 03.11.00, consistent with existing Department procedures.

After the approval to reclassify the ICD is provided by the section lieutenant, the assigned FID investigator shall:

- \* Complete an extensive Follow-Up Investigation Report, Form 03.14.00, thoroughly documenting the investigative efforts and its completion;
- \* Complete an Intradepartmental Correspondence, Form 15.02.00, documenting a synopsis of the incident, the Coroner's findings, investigative steps, and the rationale for closing the investigation; and,
- \* Attach all relevant addenda items, e.g., autopsy report, toxicology report, Los Angeles Fire Department medical slip and Follow-Up Investigation Report.

The Intradepartmental Correspondence and all relevant addenda items are compiled into an ICD Case Reclassification Package (CRP). After the reclassification is approved by the Commanding Officer, FID, the ICD CRP is forwarded to the Chair, UOFRB, for concurrence. Simultaneously, an informational copy will be forwarded to the Office of the Inspector General.

Once concurrence is obtained from the Chair, UOFRB, the ICD CRP is presented to the Chief of Police (COP) for his signature and transmission to the BOPC for approval. The Intradepartmental Correspondence, along with the ICD CRP to support the recommended action, shall serve as the COP's recommendation to the BOPC to have the incident reclassified.

Should the BOPC agree with the request to reclassify the ICD, the FID investigator will work with Use of Force Review Division and the detectives in the Area of occurrence to facilitate the exchange of information and ensure that the case is closed properly.

In the event that concurrence does not take place at any level during the process, the usual FID investigative process will continue and the incident will remain as the original classification of the CUOF ICD.

**AMENDMENT:** This Order amends Section 3/794.10 of the Department Manual.

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**MONITORING RESPONSIBILITY:** The Commanding Officer, Force Investigation Division, shall have monitoring responsibility for this directive.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in black ink, appearing to read 'C. Beck', with a stylized flourish at the end.

CHARLIE BECK  
Chief of Police

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